

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DAVID S. CHANEY  
Chief Assistant Attorney General  
3 ROCHELLE C. EAST  
Senior Assistant Attorney General  
4 MICHAEL W. JORGENSEN  
Supervising Deputy Attorney General  
5 JENNIFER J. NYGAARD, State Bar No. 229494  
Deputy Attorney General  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 703-5577  
Fax: (415) 703-5843  
8 Email: Jennifer.Nygaard@doj.ca.gov

9 Attorneys for Defendants Hickman and Horel

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 **MANUEL HILL,**

Plaintiff,

15  
16 v.

17 **RODERICK HICKMAN, et al.,**

18 Defendants.  
19

C 07-5125 JF

**DECLARATION OF J.  
NYGAARD IN SUPPORT OF  
DEFENDANTS' REQUEST  
FOR EXTENSION OF TIME**

20 I, J. Nygaard, declare as follows:

21 1. I am employed by the Office of the California Attorney General as a Deputy Attorney  
22 General in the Correctional Law Section. Lisa Sciandra, the Deputy Attorney General assigned  
23 to represent Defendants Hickman and Horel (Defendants) in this case, is currently on medical  
24 leave.

25 2. On February 22, 2008, this Court ordered Defendants to file a dispositive motion  
26 within ninety days. This Court further ordered Plaintiff to file an opposition no later than thirty  
27 days after Defendants' motion is filed, and for Defendants to file a reply brief no later than  
28 fifteen days after Plaintiff's opposition is filed. (Docket No. 6.)

Decl. J. Nygaard Supp. Defs.' Rqst. EOT

*Hill v. Hickman, et al.*  
C 07-5125 JF

1 3. Defendants filed a motion to on dismiss May 16, 2008. (Docket No. 10.) On July 30,  
2 2008, Plaintiff's untimely opposition to Defendants' motion was filed. (Docket No. 14.)

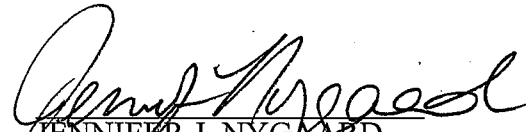
3 4. Lisa Sciandra is not expected to return from medical leave until approximately  
4 August 18, 2008. Because Ms. Sciandra is the attorney who drafted Defendants' motion to  
5 dismiss and who is most familiar with the facts of this case, I am requesting that the time for  
6 Defendants to file a reply to Plaintiff's opposition be extended up to and including September 15,  
7 2008, so that Ms. Sciandra will have sufficient time to prepare a reply upon returning from  
8 medical leave.

9 5. Plaintiff is a state prisoner and cannot be easily contacted about an extension of time.

10 6. No previous extensions of time have been filed by the Defendants in this matter.

11 7. This request for extension of time is not made for any purpose of harassment or undue  
12 delay, or for any improper reason.

13  
14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
15 knowledge, and that this declaration was executed on August 7, 2008, in San Francisco,  
16 California.

17  
18   
19 JENNIFER J. NYGAARD  
Deputy Attorney General

20  
21  
22  
23  
24  
25  
26 20129641.wpd

27 SF2008401059

28 Decl. J. Nygaard Supp. Defs.' Rqst. EOT

*Hill v. Hickman, et al.*  
C 07-5125 JF